

Appl. No. 09/887,887
Docket No. CM2385
Amdt. dated 10/2/08
Reply to Office Action mailed on 7/2/08
Customer No. 27752

REMARKS

Claim Status

Claims 1-8, 10, 12, 14-17, 19-24, 26, 28 and 30-32 are currently under consideration.

Claim 1 has been amended to require that the cleaning composition has a pH in the range of from 7 to 13. Support for this amendment is found, at least, on page 10, lines 8-10 of Applicants' specification.

Claim 8 has been amended to incorporate the limitations of Claim 1 from the previous amendment and require that the substrate contains no chemical binders. Support for this amendment is found, at least, on page 8, lines 8-10 of Applicants' specification.

Claim 10 has been amended to incorporate the limitations of Claim 1 from the previous amendment and original claim 11.

Claim 11 has been cancelled.

Claim 17 has been amended to be dependent from Claim 1.

Claim 26 has been amended to be dependent from Claim 10 and to incorporate a limitation from Claim 17.

Claim 27 has been cancelled.

No new matter has been added.

Rejection Under 35 USC §103(a)

Claims 1-8, 10-12, 14-17, 19-24, 26-28 and 30-32 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 4,117,187 to Adams et al. (hereinafter "Adams") in view of U.S. Patent 5,049,440 to Bornhoeft, III et al. (hereinafter "Bornhoeft"). Applicants respectfully traverse the rejection. A *prima facie* case of obviousness has not been established because the references do not teach or suggest all the elements of the claimed invention. Specifically, the combined references do not teach or suggest the higher pH requirement of independent claim 1, the "no chemical binder" limitation of independent claim 8, or the specific disinfecting compositions of independent claim 10.

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Regarding independent Claim 1, the references do not teach or suggest a wet wipe incorporating a cleaning composition having a pH in the range of from 7 to 13. The Adams wipe is designed to lose its binding strength in "substantially neutral or alkaline" conditions (see the Abstract). Therefore, one skilled in the art would not use a cleaning composition having a pH in the range of from 7 to 13 in the wet wipe of Adams, since the wipe would lose its strength and disintegrate (see Col. 2, lines 17-19). Therefore, Applicants contend that Claim 1 and its dependent claims are novel and unobvious and that the rejection under 35 U.S.C. 103(a) should be withdrawn.

Regarding independent Claim 8, the references do not teach or suggest a wet wipe wherein the substrate contains no chemical binders. The Adams wipe relies on a binder to provide its strength. "With such short fibers being utilized, the major strength of the web is provided by the adhesive binder rather than the mechanical entanglement of the fibers" (Col. 2, lines 4-7 of Adams). Further, Adams relies on the chemical nature of his binder to provide a weakening effect when subjected to flush water, resulting in disintegration of the web (see Col. 2 lines 17-19). Clearly, Adams requires a binder to achieve his claimed benefit. Applicants' claim 8 states that the substrate contains no chemical binders. Adams does not teach or suggest such a wet wipe. Also, one skilled in the art would not attempt to modify Adams to remove the binder, since that would remove the mechanism by which he achieves his claimed benefit. Therefore, Applicants contend that Claim 8 is novel and unobvious and that the rejection under 35 U.S.C. 103(a) should be withdrawn.

Finally, regarding independent Claim 10, the references do not teach or suggest a wet wipe incorporating the specific disinfecting compositions claimed by Applicants. The claimed disinfecting compositions are all antimicrobial essential oils (i.e. essential oils which exhibit antimicrobial activity) or actives thereof. It is speculated that the claimed antimicrobial essential oils and actives thereof act as protein denaturing agents. Also, the antimicrobial oils and actives thereof are compounds which contribute to the safety profile of a composition comprising them when it is used to disinfect any surface. A further advantage of the antimicrobial oils and actives thereof is that they impart pleasant odor to a composition comprising them without the need of adding a perfume. Neither Adams nor Bornhoeft teach or suggest such disinfecting compositions. Therefore, Applicants contend that Claim 10 and its dependent claims are novel and unobvious and that the rejection under 35 U.S.C. 103(a) should be withdrawn.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference. In view of the foregoing, reconsideration of this application, and allowance of the pending claim is respectfully requested.

Respectfully submitted,

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